

APRIL 15, 2004 SUPERVISORS' MEETING:

The Mount Joy Township Board of Supervisors met this date in regularly scheduled session at 7:00 p.m. in the Township Municipal Building, 902 Hoffman Home Road, Gettysburg, PA, with Chairman James Waybright presiding. Others in attendance were: Supervisors William Chantelau, George Scott, and Harold Kirschner; News Reporter Alex Gayhart (*The Gettysburg Times*); Todd Hammond (*Hanover Evening Sun*); Sam Dayhoff, Building & Grounds Coordinator; Robin Crushong, Treasurer; and Secretary Brenda Constable.

Others in attendance were: Carol E. Holtz; Eileen Holmes; Dave Sites representing Gettysburg-Adams Chamber of Commerce; Jack McLatchy; Stephen C. Alexander; Bob Sharrah representing The Links At Gettysburg and Colbier Farms; Jerry Althoff representing the Township Planning Commission; Jerry Maloney; Rick Klein representing The Links At Gettysburg; John McAlister; Carol & Tom Newhart; Bill Hill and Bob Davidson representing Davidson Motors.

Chairman Waybright led everyone with the Pledge to the Flag.

Minutes:

Mr. Chantelau moved, seconded by Mr. Kirchner, to approve the minutes of the March 18, 2004 meeting as presented. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the minutes of the March 24, 2004 Special Meeting as presented. Motion carried unanimously.

Chairman's Statement:

Mr. Waybright noted that Will Rogers was not present due to submitting his resignation as Township Supervisor, which will be addressed later in the meeting.

Mr. Waybright also noted that Solicitor Walton V. Davis was out of town and would not be present for tonight's meeting.

Public Comments:

1. Steve Alexander, resident of 1735 Barlow-Two Taverns Road, reported that a culvert the Township had installed in the area of his property is causing water problems. He explained that the installation was the wrong height and it now acts as a dam with standing water constantly present. He has taken care of removing the water but the Township had also removed an end wall in that area and was left in the roadway, which should be removed. Mr. Waybright stated that the road superintendent would be notified of the problem and address the situation.
2. Bill Hill, Engineer for Davidson Motors, and Bob Davidson presented a letter and site plan to the Supervisors indicating Mr. Davidson's financial contribution toward road improvements of S.R. 2035 (Baltimore Pike) relative to the proposed location of Davidson Motors Company at the south west corner of Baltimore Pike and Route 15. The Supervisors reviewed the letter and then had Brenda Constable, Secretary, read the letter aloud. The letter was accepted as a matter of record.

Persons Requesting Time On Agenda:

1. David Sites, on behalf of the Gettysburg-Adams Chamber of Commerce, thanked the Township for resubmission of the municipal information form, and encouraged the Township to join the Chamber. He announced some upcoming training courses that are open to the public addressing planning, zoning and land use, as well as an elected officials training session.

Treasurer's Report:

Mr. Kirschner moved, seconded by Mr. Scott, to approve the Treasurer's Report for the month of March and part of April presented. Motion carried unanimously.

Mr. Scott moved, seconded by Mr. Kirschner, to approve the bills to be paid for the month of March and part of April as presented. Motion carried unanimously.

Subdivision/Land Development Plans:

1. The Links At Gettysburg: Rick Klein and Bob Sharrah were present to review and discuss the following plans:

- a). Utility Treatment Plant: subdivision of one (1) lot into three (3) lots. Parcel A would be used as a waste water (sewage) treatment plant; Parcel B would be used as a water treatment plant; and the remainder would be used for the Planned Golf Community. The Supervisors noted that the Planning Commission recommends approval of a waiver for preliminary review and accept as a Final Plan w/contingencies. Mr. Althoff, Chairman of the Planning Commission, gave an overview of this plan. He noted that HRG's letter dated April 12, 2004, Comment #2, addresses a number of waivers that would be needed. Mr. Althoff stated that the Planning Commission did not think these waivers were necessary because this subdivision is not recognized as being used for residential purposes. He further commented that the only concern the Commission had was relative to the Planning Waiver & Non-Building Declaration for sewage. Solicitor Davis had given an opinion that this DEP form may or may not be suitable for this subdivision because it usually relates to residential systems and is not sure if another form, if available, would be more appropriate for community systems.

Mr. Chantelau moved, seconded by Mr. Scott, to approve the waiver for preliminary review and accept as a Final Plan with a note to be added to the plan stating that the only purpose for which these lots may be used, without another review and approval by the Township, is for utility services, such as water, sewer, electric, telephone or other similar utility facilities. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Scott, to approve the Planning Waiver & Non-Building Declaration as presented. Motion carried unanimously.

- b). Phase IB subdivision: includes portions of "The Lookout (7 lots, #s 86-92) and "Round Top (25 lots, #s 33-57); and Phase IB & IC land development/construction plan: Mr. Althoff gave an overview of these plans, noting that Phase IB is part of the IB & IC land development/construction plan. He noted that all issues listed in HRG's letter of April 12, 2004 were mainly housekeeping items and are being addressed.

Mr. Scott moved, seconded by Mr. Chantelau, to approve Phase IB, and IB & IC Land Development/Construction Plan as Final Plans contingent on satisfying HRG comments of April 12, 2004. Motion carried unanimously.

c) Revision of Phase IA: Mr. Klein had asked the opinion of the Township's Solicitor and Engineer as to whether a full, or abbreviated, land development plan review would be needed for the following changes:

- relocation of the emergency entrance in order to meet PennDOT sight distance requirements.
- A small lot area adjustment.
- Addition of a few stormwater inlets to pick up small amounts of water from a new landscaping berm.

The Supervisors noted that the Solicitor's and Engineer's opinion was that these minor changes did not warrant a review by the Township or County Planning agencies, nor recordation in the Courthouse. The Supervisors should acknowledge them, approve them, and not require any other reviews or recordings. The Township would have a copy of the revised page for its file. The Supervisors concurred and approved the recommended changes.

Road Report:

Mr. Scott moved, seconded by Mr. Kirschner, to approve the Road Report as presented. Motion carried unanimously.

Bid Opening for Aggregate:

Mr. Waybright announced that bid opening would be held at this time, as publicly advertised, for the purchase of aggregate and bituminous material. Mr. Scott opened and read aloud the following bid received:

	QTY TONS	DESCRIP	UNIT FOB	TOTAL	UNIT DELIV	TOTAL
Valley Quarries, Inc.	3,000	2A Stone	5.55	16,650	7.35	22,050
PO Box J	300	2B Stone	6.75	2,025	8.55	2,565
Chambersburg, PA 17201	500	#3 Stone	6.75	3,375	8.55	4,275
10% Bid Bond included	200	#4 Stone	6.75	1,350	8.55	1,710
	1,200	Anti-Skid	6.65	7,980	8.45	10,140
	100	4ip Rap	9.25	925	11.55	1,155
	250	BCBC	22.50	5,625	24.90	6,225
		TOTAL		\$37,930		\$48,120

Mr. Kirschner moved, seconded by Mr. Chantelau, to award the bid for Aggregate to Valley Quarries, Inc. Motion carried unanimously.

Heritage Drive Road Survey:

Discussion was held with regard to the need for a road study to be performed on Heritage Drive. Currently the speed limit going into Heritage Drive from Route 97 is 45 mph and coming out of Heritage Drive is 25 mph. Mr. Kirschner suggested that White Run be included in the study since it connects to Heritage Drive.

Mr. Kirschner moved, seconded by Mr. Scott, to perform a road study on Heritage Drive and White Run to determine the proper speed limit. Motion carried unanimously.

Mud College Road – Signs:

Mr. Althoff stated that the Planning Commission is recommending that additional speed limit signs be placed on Mud College Road, especially in the vicinity of intersections. Currently, only two (2) signs are posted, one at the end from Route 97 and one at the other end from Fish & Game Road. The Planning Commission also recommends agricultural signs be placed at proper locations, as needed. The Township Road Department presented information to the Supervisors with regard to posting requirements, per PennDOT manual.

Mr. Scott moved, seconded by Mr. Chantelau, to request the Township Road Superintendent conduct a review of all township roads to make sure that all roads are posted properly and adequately, and proceed with whatever is necessary to meet posting requirements. Discussion: With regard to agricultural signs, the Supervisors stated that this should be done by personal request from township residents, and notification of such could be placed in the next Township Newsletter. With no further discussion, the motion carried unanimously.

Building Permit / Zoning Officer's Report:

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the Zoning Officer's Report as presented. Motion carried unanimously.

Land Use Permit:

Jay Little, Zoning Officer, presented a new form entitled "Land Use Permit", which would replace the "Building Permit" form for the Supervisors review and approval. Mr. Scott asked for explanation of the following: "Building Size" – does this mean the foot print or the entire square footage; Site Plan, E&S Plan, and Stormwater Management Plan – why is it on the form and what is its purpose.

Mr. Kirschner moved, seconded by Mr. Chantelau, to approve the "Land Use Permit" as presented with comments to be addressed. Motion carried unanimously.

Agricultural Security Areas (ASA):

With recommendation from Jay Little, Mr. Chantelau moved, seconded by Mr. Scott, to accept two additions to the ASA program for 2003:

- | | |
|---|------------|
| 1. Benjy & Jean Conover, 3250 Baltimore Pike, Littlestown | 30 acres |
| 2. John & Kelly Rash, 400 Miller Road, Littlestown | 16.5 acres |

Motion carried unanimously.

Plot Plans :

Due to new requirements relative to plans (building site, E&S, and stormwater management) that must now be submitted with Land Use Permits, Mr. Little notified the Supervisors that because he has the same GIS program that County Mapping has, he would be able to provide a copy of a landowner's plot plan for the cost of a photocopy and about fifteen minutes of administrative time. This would enable him to provide a service to a Township resident rather than sending them to the County Courthouse for the same information. This would be for simplified plans only. Mr. Little presented a sample plot plan for the Supervisors review and approval.

Mr. Chantelau moved, seconded by Mr. Scott, to approve and authorize Mr. Little to provide this service as needed, and to place notification of this service in the next Township Newsletter. Motion carried unanimously.

Building & Grounds Report:

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the Building & Grounds Report as presented. Mr. Chantelau noted that the Mud College Schoolhouse will be holding their first class on April 21st and that approximately 18 classes are scheduled for this Spring. With no further discussion, the motion carried unanimously.

Correspondence:

Secretary Brenda Constable noted receiving the following correspondence:

- WRRMA February minutes
- Gettysburg-Adams Chamber of Commerce Newsletter

Committee Reports:

Personnel: Mr. Waybright noted that a road crew employee would be off for a few weeks due to surgery.

Finance: Nothing to report.

Planning, Land Use & Zoning: Nothing to report.

Building & Grounds: Nothing to report.

Roads: Nothing to report.

Public Safety: Nothing to report. Citizen Stephen Alexander commented that with the water problems on Barlow-Two Taverns Road that he mentioned during public comment, he is always pulling folks out of the field.

Agricultural Land Preservation: Supervisors noted receiving the Ag Land Preservation Board monthly report. The Board asked for direction as to the possibility of extending an invitation to the Lake Heritage Property Owners Association to assist on a future easement of an adjoining farm that would benefit the community of Lake Heritage. The Supervisors thought this would be a good idea and suggested that a representative of the Ag Land Preservation Board attend a future LHPOA Board meeting and give a presentation. It was noted that the County Ag Land Preservation Program and County Land Conservancy is also interested in preserving this farmland. It was also noted that this would be the first farm preserved in the SFR1 zoning district and is also in the boundary of the Gettysburg Park Service land.

The Ag Land Preservation Board asked the Supervisors to consider joining the PFFA (Pennsylvania Farmland Preservation Association) for a contribution of \$25.00 annually. Mr. Scott moved, seconded by Mr. Chantelau, to contribute \$25.00 to the PFFA. Motion carried unanimously.

Announcements:

Mr. Chantelau suggested that the Supervisors hold a “Meet The Supervisors” during Primary Election Day so that Township residents could come in and meet and talk with the Supervisors about anything they want to. None of the Supervisors are candidates this election year and they would be in the front office so as not to interfere with the polling places. All Supervisors thought this was a good idea and agreed to make themselves available to the public on Primary Election Day.

Other Business:

Uniform Construction Code (UCC):

The Supervisors discussed the issue of “opting in” or “opting out” of the UCC. Mr. Chantelau stated that he personally chooses to opt out, noting that the Supervisors have an opportunity to revisit this issue anytime they see fit. He suggested reviewing this issue again in 180 days. He stated his reasons for choosing to opt out. He noted that the Township does not currently enforce a building code as some other municipalities do. By opting out the Township would not be taking something away from the citizens. Mr. Chantelau feels that “opting in” would burden the Township with added costs and administration. He added that an Appeals Board would need to be set up either at the township, county, or regional level. The Township would also need to identify inspectors or firms and he feels this would limit the citizens to who they could use, where as opting out would give the citizens their choice as to who they would prefer to use for inspections.

Mr. Waybright noted that the legislature gave the municipalities this mandate and it is not something that the municipalities asked for or wanted to do. Mr. Chantelau pointed out that by opting out, does not free the citizens of complying with the Code; citizens still need to follow through with the required inspections. Mr. Chantelau added that the Township would still remain involved with the building process. Citizens would need to obtain a Land Use Permit from the Township prior to building, and the Township would provide a list of inspectors they could choose from, as well as a help list of what they would need to obtain in order to comply with the Code. Prior to the citizen obtaining an Occupancy Permit, the law allows the Township to have a copy of the plan and inspection report to show that the citizen complied with the requirements.

Mr. Scott stated that his first consideration was to opt in. However, after further thought and review of facts, he is not sure that the Township should be involved in the citizen’s building process. He will vote to opt out at this time. Mr. Chantelau noted that other neighboring townships did not have all the facts before they voted to opt in. One township stated that they were not aware that an Appeals Board was needed, etc., etc.

Mr. Scott complimented Mr. Jay Little, Zoning Officer, for the very informative workshop he recently held, noting that approximately 27 people attended, including township officials, engineers, and builders. He felt that this was an outstanding turnout and Mr. Little had done what he was asked to do by the Supervisors in presenting information for both sides of the issue.

Mr. Waybright agreed with the comments stated by Mr. Chantelau and Mr. Scott. He feels that the Supervisors need to stay aware of what is going on during this new process and it’s possible that they may need to change their decision at a later date. Mr. Kirschner stated that he is somewhat concerned of the individual homeowner who just wants to build something and has problems getting through this new process. Mr. Waybright noted that the Township office staff would give citizens a list of where to go and

what to do to assist them in getting through the process. Mr. Scott also noted that the State started out with the municipalities needing to make a decision by the end of the summer. If the Township waits until after that time, they would need to have all building made retroactive to April 9, 2004 for inspections. He feels that the Supervisors should make a decision as soon as possible.

Mr. Chantelau moved, seconded by Mr. Waybright, to "opt out" of enforcing the UCC at this time with the recommendation to revisit in six (6) months. Discussion: Mr. Chantelau suggested that the Township send a letter to the Adams County Association of Elected Officials polling municipalities as to how they voted and to do so again in six months to see if there are any changes or how the process is going. With no further discussion, the motion carried unanimously.

Public Workshop – Delancey and Davidson Motors:

To continue a dialogue with Delancey Associates on zoning text amendment requests, and proposed road improvements with Davidson Motors, the Supervisors set the date of March 26, 2004 with an alternate date of March 29, 2004 to meet with the two parties in a public workshop setting. The Supervisors authorized Secretary Brenda Constable to confirm a date with all parties and to then advertise said workshop with Delancey Associates to be scheduled at 12:30 p.m. and Davidson Motors to be scheduled for 2:00 p.m.

New Business:

Supervisor Resignation:

Mr. Waybright noted that the Supervisors received a letter of resignation from William Rogers, effective midnight, March 31, 2004. Mr. Chantelau moved, seconded by Mr. Scott, to accept Mr. Rogers' resignation with regret and acknowledge his contribution to the Township as a fine supervisor. Motion carried unanimously.

Supervisor Appointment:

Mr. Chantelau moved, seconded by Mr. Scott, to appoint Samuel L. Dayhoff to fill the vacancy and unexpired term of Supervisor, effective April 15, 2004 through the first Monday of January 2006. Discussion: Mr. Chantelau noted that Mr. Dayhoff had significant support in the last municipal election with over 300 votes from the Township citizens and he feels that this counts for something and deserves to serve in this position. He also noted that the situation has changed since Mr. Dayhoff had previously served as Supervisor and that he has been structured as a Township employee. If he were to become a Supervisor, the sub-committee should be restructured. Another issue Mr. Chantelau pointed out is that Mr. Dayhoff is in the Office all the time which could make him a "super" supervisor, meaning that the staff may tend to communicate with him because it is convenient. Mr. Chantelau wants to make sure that the staff is aware that they must still go through the appropriate sub-committee supervisor on whatever issue they may have. Mr. Scott thanked Mr. Chantelau for his words and noted that he has worked with Sam with various things. He added that Sam works very well to keep him informed as to what is going on and is sure that he will work out well as a Supervisor. With no further discussion, the motion carried unanimously.

Sub-Committee Reappointments:

Mr. Chantelau moved, seconded by Mr. Waybright, to restructure the sub-committees for Supervisors as follows *(It was noted that because Mr. Dayhoff will remain an employee of the Township as*

Building & Grounds Coordinator, Ag Land Preservation Coordinator, and road worker while serving as Supervisor, it would not be appropriate to have him on any committee related to personnel, finance, or any committee related to his employee positions):

Personnel:	James Waybright and William Chantelau
Finance:	William Chantelau and Harold Kirschner
Planning, Land Use & Zoning:	William Chantelau and George Scott
Building & Grounds:	George Scott and Harold Kirschner
Roads:	James Waybright and Harold Kirschner
Public Safety:	James Waybright and Samuel Dayhoff

Motion carried unanimously.

Executive Session:

Mr. Waybright called for an Executive Session at 8:55 p.m. this date.

Meeting Reconvened:

Board Chairman Waybright reconvened the Supervisors' Meeting at 9:20 p.m. this date with the following others in attendance: Supervisors Bill Chantelau, George Scott, Harold Kirschner, and Sam Dayhoff (*took his Oath Of Office after being appointed*); News Reporter Alex Gayhart; and Secretary Brenda Constable. Citizens in attendance were: Jerry Althoff; and Bob Davidson.

Mr. Waybright noted that the Supervisors discussed pending litigation during Executive Session. No action is required at this time.

Adjournment:

With no further business to come before the Board, Mr. Dayhoff moved, seconded by Mr. Scott, to adjourn the Supervisors' Meeting at 9:25 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable
Secretary